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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,983	12/27/2000	Jea-Yong Yoo	2950-0180P	3636

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/19/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747,963

Applicant(s)

KANO ET AL.

Examiner

Sindya Narayanaswamy

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1 - 7 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Kim, US-6,133,911.
5. As per claim 1, Kim teaches a method of menu-based remote control of an external device that is connected to an audio/video apparatus (col. 8, lines 31-37), comprising the steps of:

Art Unit: 2154

- a. Displaying a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device, the main menu image being stored in a memory (col. 2, lines 61-67, col. 3, lines 6-10); and
  - b. Transmitting command data to said external device, in response to the selection of one of the menu items associated with functions or operations of said external device (*execute operation*), and/or displaying a menu image of the detailed menu (*display sub-menu*) which has been stored in said memory when one of the menu items for obtaining the detailed menu is selected (col. 5, lines 58-67; col. 6, lines 17-20; col. 6, lines 27-29).
6. Kim does not explicitly teach the main menu image being stored in the memory of an audio/video apparatus. However, official notice is taken that it is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the main menu image in the memory of the audio/video apparatus or externally, since it is a design choice of implementation and they are functionally equivalent.
7. As per claim 2, Kim teaches a method wherein a menu item on the main menu image displayed in step (a) over which the cursor is positioned is displayed differently from other menu items (S422, S423, Fig. 4).
8. As per claim 3, Kim teaches a method wherein the menu item over which the cursor is positioned is displayed differently from other menu items based on information about the

Art Unit: 2154

positions of respective areas of menu items on the menu image, the information being stored in a memory of the audio/video apparatus (col. 4, lines 49-60).

9. As per claim 4, Kim teaches the method wherein in step (b), which menu item has been selected is determined based on the position of a cursor on the main menu image the instant that selection key is inputted by a user (col. 4, line 61-col. 5, line 10).

10. As per claim 5, Kim teaches the method further comprising the step of transmitting to the external device (*instruct receiver*) command data in response to the selection of one of the menu items on the detailed menu displayed in step (b) (col. 5, lines 19-33).

11. As per claim 6, Kim teaches the method wherein the command data is transmitted to request and obtain information of the external device (col. 5, lines 22-25; Fig. 4, S442).

12. As per claim 7, Kim teaches the method wherein the command data is transmitted to request and obtain information stored in a medium (*data that is stored in advance in a database*) (col. 5, lines 41-48). Kim does not explicitly teach the method wherein information is stored in a disk-type medium loaded in the external device. However, official notice is taken that it is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include store the information in a disk-type medium loaded in the external device.

Art Unit: 2154

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Florin et al., US-5,594,509.
- b. Gaughan et al., US-5,589,893.
- c. Alexander et al, US-6,177,931 B1.
- d. Humpleman et al., US-6,182,094 B1.
- e. Bertram, US-6,001,546.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

June 13, 2003

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100